IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2878 OF 2005

WITH

CRIMINAL APPLICATION NO.2910 OF 2005

Bhimrao Bhojappa Chavan
and others, etc. ... Applicants

versus

The State of Maharashtra ... Respondent

...

Mr.S.C. Halli, for the Applicants.

Mr.K.V. Saste, A.P.P.,for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

3rd May 2005

P.C.:

. Heard Counsel for the parties. Perused the record. Having regard to the seriousness of the offence and the material on record, this is not a case for anticipatory bail. I see no infirmity in the conclusion reached by the Court

below in rejecting the application for anticipatory bail preferred by the Applicants. The Applicants have been named in the F.I.R. and the charge is one of being member of unlawful assembly. If that is the charge, specific role of each member need not be substantiated, but it is enough for the prosecution to show that the concerned person was member of the unlawful assembly and was present at the scene of offence. Accordingly, both the applications will have to be dismissed.

. Although on merits, I am not inclined to grant anticipatory bail; however, in the peculiar situation of the case, as Applicant No.2 - Dhaku Narsu Chavan - is over 70 years of age; and another Applicant (Applicant No. 4 - Yuvraj Dhaku Chavan) is a school going boy of only 16 years of age, only these Applicants are granted anticipatory bail on condition that they shall co-operate for the purpose of investigation as and when called upon. Accordingly, both these applications are disposed of by the following order.

(A) Prayer for anticipatory bail only in respect of Applicants Dhaku Narsu Chavan and Yuvraj Dhaku Chavan is granted in relation to CR.No.22/2005 registered with Salgar Wasti Police Station, Solapur, on the said Applicants executing personal bonds in the sum of Rs.15,000/- (Rupees Fifteen thousand only) each with two local sureties in the like amount.

(B) The said two Applicants shall not influence the prosecution witnesses nor shall tamper with the prosecution evidence in any manner whatsoever.

(C) The said two Applicants shall report to the investigating officer twice a week on Wednesday and Sunday between 10 a.m. to 1 p.m. or on such other time and place as may be required by the investigating officer for the purpose of investigation of the case.

(D) This order will enure in favour of the said two Applicants till the filing

of the charge sheet.

. The remaining Applicants pray for time to surrender before the appropriate Court. That be done on or before 7th May 2005 failing which it will be open to the investigating officer to proceed against the said Applicants in accordance with law. In the meantime, the said Applicants shall report to the investigating officer daily from tomorrow between 5 p.m. to 7 p.m. The said Applicants, on surrendering before the appropriate Court may be entitled for moving that Court with a prayer for regular bail, which will be considered on its own merits in accordance with law.

(A.M.KHANWILKAR,J.)